

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEKZAD DZHANPOLATOV,

Plaintiff,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES (USCIS),

Defendant.

Case No. [25-cv-03314-RS](#)

**ORDER RESETTING BRIEFING ON
MOTION TO DISMISS AND
VACATING HEARING, AND
DENYING PLAINTIFF'S MOTION
FOR RELIEF**

1. Motion to dismiss

Defendant's motion to dismiss is presently set to be heard on August 14, 2025. Plaintiff contends the motion is moot in light of an amended complaint he filed, revising the specific relief he seeks. It appears likely defendant contends the amendments do not eliminate the jurisdictional bar it contends exists to judicial review of plaintiff's claims. In the interest of judicial efficiency, and to mitigate the delay that would result were defendant required to bring a completely new motion to dismiss, the existing motion will be deemed applicable to the amended complaint. Within 10 days of the date of this order, defendant may file a further brief, addressing any issues arising from the amended complaint. Within 10 days thereafter, plaintiff may file further opposition to the motion to dismiss. The motion will then be submitted without a reply brief or a hearing, unless otherwise ordered. The hearing set for August 14, 2025, is vacated.

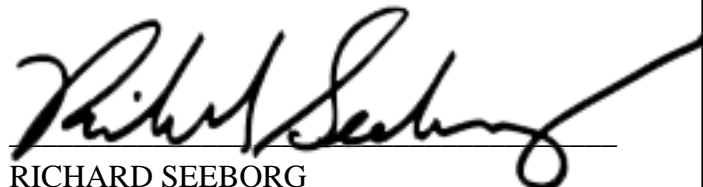
1 2. *Plaintiff's pending motion*

2 Plaintiff has filed a “motion to reconsider denial of expedite request and to compel prompt
3 interview on Form I-485.” Plaintiff did not set the motion for hearing, but it has been fully briefed.
4 The relief sought in the motion is substantially the same as the ultimate relief sought in the
5 amended complaint. Defendant has opposed the motion on the same grounds as its pending motion
6 to dismiss—i.e., that the court lacks jurisdiction to grant relief.

7 Apart from the potential jurisdictional bar, plaintiff has presented no basis on which it
8 would be procedurally or substantively appropriate to grant the final relief he seeks in this action
9 through a motion in this form. The motion is denied without prejudice to further proceedings on
10 the merits in the event defendant’s motion to dismiss is denied.

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13 **IT IS SO ORDERED.**

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15 Dated: July 14, 2025

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18 RICHARD SEEBORG
19 Chief United States District Judge
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